



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/105,415 06/26/98 ROBICHAUD A ROB81

IM22/1008

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EXAMINER

OSELE, M

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 10/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/105,415

Applicant(s)
Robichaud, A

Examiner
Mark Osele

Group Art Unit
1734



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-16 is/are allowed.

☒ Claim(s) 17-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. Brown et al. shows an apparatus for applying tape comprising a frame, a supply reel, R1, a feeder roller, 26, a takeup roller, R2, and a rubber band drive connecting the feeder roller with the takeup roller such that insert grooves in the two rollers establish a rate differential between the rollers (column 5, lines 21-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. As shown in paragraph two above, Brown et al. shows a tape applicator with the claimed rollers. Regarding claim 18, although Brown et al. uses different sized insert grooves to accomplish the rate differential, it would have been obvious to one of ordinary skill in the art to just change the size of the roller themselves because they are functionally equivalent alternate expedients for adjusting the speed of a driven roller. Regarding claim 20, Brown et al. also shows a guide roller, 148. Furthermore, it is conventional to make tape applicators with housings with a hinged panel so that the mechanical workings can be reached when necessary, but wherein the casing protects the tape from picking up errant dust.

Allowable Subject Matter

5. Claims 1-16 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Brown et al. fails to show the guide roller to accept a section of the tape from the supply roll; the guide roll only accepts a section of separated liner web. Rodriguez fails to show the rubber band connecting drive means. Lengen et al. fails to show a guide roller.

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Conclusion

7. Any inquiry concerning this communication should be directed to Examiner Mark Osele at telephone number (703) 308-2063. The examiner can normally be reached on Monday, Tuesday, or Thursday from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (703) 308-3853.

Facsimile correspondence to Art Unit 1734 must now be transmitted through 703-305-7718. This number is for Technology Sector 1700 correspondence only.

When filing a FAX in Technology Sector 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**MARK A. OSELE
PRIMARY EXAMINER**

October 1, 1999